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IN THE HIGH COURT OF CHHATTISGARH AT
BILASPUR

Division Bench

MISC. APPEAL NO. ⁷²⁵ OF 2006

APPELLANTS

Claimants

1. Dhanesh Kuamr, S/o
Late Shri Anjora
Kaushik, aged about 21
years,

2. Mst. Sumitra Bai, wife of
Late Shri Anjora Kaushik,
aged about 42 years,

Both are R/o Village-
Bamhani, Police Station,
Tahsil and Distt.
Kabirdham (C.G.)

P.R. No. 1552/06
Presented by Shri. Dhanesh Kuamr
dated 12/06/06

VERSUS

RESPONDENTS

Non-applicants

1. Ajay Tiwari, S/o Shri
R.K. Tiwari, aged about
30 years, H.n. No. 95,
FCI Colony,
Changorabhata, Raipur,
Tahsil and Distt. Raipur
(C.G.)

2. Pradeep Kumar, S/o
Samundradev, Caste-Gond,
aged about 28 years, R/o
Ramkund Uchala, Talab
Raipur, Police Station
Saraswati Nagar, Tahsil and
Distt. Raipur (C.G.) (Vehicle
Tata 207 No. C.G. 04/G.
80/72 Driver)

3. National Insurance Company
Limited, Navin Bazar Phool

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chowk G.E. Road Raipur
(C.G.)

4. Smt. Saroj Bai, wife of Shri Dilip Kaushik, aged about 24 years, through: Ajit Aalu Bhandar Sanichari Bazar Bilaspur, Tahsil and Distt. Bilaspur (C.G.)

5. Smt. Sulochna Bai, wife of Shri Ashok Kumar Kaushik, aged about 20 years, R/o Village-Lasafola, Police Station and Tahsil and District Kabirdham (C.G.)

**MEMO OF APPEAL UNDER SECTION 173 OF THE MOTOR
VEHICLE ACT, 1988**

HIGH COURT OF CHHATTISGARH : BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL NO. 725 OF 2006

(B)

Appellants : Dhanesh Kumar & Another

Versus

Respondents: Ajay Tiwari & others

(Arising out of Claim Case No. 64 of 2005)

6-1-2007

Shri Rakesh Pandey, counsel for the appellants.

None for respondents No.1 & 2.

Shri S. Das, Assistant Manager, National Insurance Company Limited with Shri Deepak Gupta, counsel for respondent No.3.

None for respondents No.4 & 5.

In terms of compromise, award is passed as below:-

- 1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.50,000/- (Rupees Fifty Thousand Only) to the appellants and respondents No.4 & 5.
- 2) For disbursement and deposit in FDR, the direction and ratio adopted by the Tribunal, if any, shall follow.
- 3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.
- 4) Appellants and respondents No.4 & 5 shall be entitled to receive interest on the amount so deposited, if any.
- 5) In view of the above, appeal against respondents No.1 & 2 stands dismissed.
- 6) Out of the above amount, Rs.500/- (Rupees Five Hundred Only) shall be paid to counsel for the appellants directly by the Insurance Company towards counsel fee.
- 7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.
- 8) Copy of the award shall be given to the parties free of cost.

Sd/-

Justice Vijay Kumar Shrivastava
High Court of Chhattisgarh
Bilaspur

Sd/-

Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

Gowri